

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

This application has been reviewed in light of the Office Action of the United States Patent and Trademark Office dated February 8, 2005. It is gratefully acknowledged that the Examiner has found allowable subject matter in Claims 7, 8, 14, 15, 18, 22, 23, 27, 28, 35, 36, 42, 43, 46, 50, 51, 55, and 56.

Claims 1-15, 19-23, 29-43, and 47-51 are currently pending in the present application. As shown above, Claims 16-18, 24-28, 44-46, and 52-56 have been cancelled without prejudice.

In the Office Action, the Examiner has rejected Claims 1-6, 9-13, 16, 17, 24-26, 29-34, 37-41, 44, 45, 47-49 and 52-54 under 35 U.S.C. § 103(a) as being unpatentable over *Padovani et al.* (U.S. 6,474,211), hereinafter *Padovani*, in view of *Laroia et al.* (U.S. 6,708,040), hereinafter *Laroia*. Because Claims 16-17, 24-26, 44-45, and 52-54 have been cancelled, it is respectfully submitted that the rejection of these claims is moot.

As stated above, the Examiner has rejected independent Claims 1, 9, 19, 29, 37, and 47, as being unpatentable over *Padovani* in view of *Laroia*. More specifically, the Examiner asserts that *Padovani* discloses all the elements of Claims 1, 9, 19, 29, 37, and 47, except for transmitting a signal requesting termination of the retransmission of the data packet to the AN if no errors are found, which is allegedly disclosed in *Laroia*. It is respectfully submitted that the Examiner is incorrect.

In the present invention, a measurement of a forward signal is compared with a threshold in order to determine an accuracy of a forwardly received data packet. That is, all pending claims of the present invention are directed to determining if data is decoded according to a received C/I, or

before decoding data, transmitting a signal requesting termination of retransmission of a data packet according to a received C/I.

More specifically, and referring to Claims 1 and 29, a mobile station checks an error of a data packet only when a received C/I is higher than a threshold. When the received C/I is lower than the threshold, the mobile station removes an operation of unnecessarily decoding a data packet having a high probability of an error.

Referring to Claims 9 and 37, when the received C/I exceeds a high-level threshold, the mobile station identifies the data packet where the probability to include an error is every low, and then directly transmits the signal requesting termination of retransmission (ACK).

Referring to Claims 16 and 44, when the received C/I is less than a low-level threshold, even through retransmission is requested, the mobile station determines that it is difficult to normally receive the data packet, and then directly transmits the signal requesting termination of retransmission (ACK).

Referring to Claims 19 and 47, when the received C/I does not exceed a threshold, the mobile terminal reports a new data transmission rate to a base station in order to request the retransmission of the data packet.

Referring to Claims 24 and 52, when the received C/I does not exceed a threshold, the mobile station transmits a signal requesting retransmission (NACK) in order to request the retransmission of the data packet.

In *Padovani*, however, a measurement of a forward link signal is compared with a threshold to determine if the measurement of the signal is reported to a base station. That is, when a strength of a signal exceeds an add threshold or is less than a drop threshold, the mobile terminal according to *Padovani* reports a measurement of the signal to the base station. The base station determines a

handoff of the mobile terminal according to the measurement of the signal. Also, col. 13, lines 12-16 of *Padovani*, reads as follows:

The decoder decodes the symbols and performs the frame check on the decoded packet to determine whether the packet was received correctly. If the packet was received in error or if the packet was directed for another mobile station 6, the frame check would indicate a packet error.

As shown above, in *Padovani*, the operation of comparing the measurement of the signal with the threshold and the operation of checking the data error are separately performed. Therefore, the ACK/NACK signals can be transmitted after decoding data, regardless of the measurement of the signal. That is, *Padovani* does not disclose determining if data is decoded according to the measurement of the signal, or a transmission of the ACK/NACK signals.

Additionally, in the present invention, a C/I is measured from an AN to determine if a termination of retransmission is performed. However, col. 17, lines 59 to col. 8, lines 19 of *Padovani* cited by the Examination merely disclose a general retransmission. The reason for measuring “a set of parameters associated with forward signals” is that an AT notifies a forward status to the AN. (See col. 6, lines 5-67 of *Padovani*)

The Examiner states that there is no disclosure of an operation of terminating the retransmission in light of the above point in *Padovani*. Further, the Examiner states that *Laroia* discloses the above contents. However, it is respectfully submitted that *Laroia* merely discloses a general ARQ scheme and it is also disclosed in Applicant’s Admitted Prior Art (AAPA).

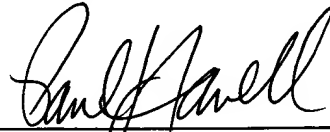
Additionally, it is respectfully submitted that the Examiner’s rejection according to the combination of *Padovani* and *Laroia* is not reasonable, as *Padovani* and *Laroia* are different from each other, because the object and the construction for requesting the termination of the retransmission, as well as the operation of measuring the C/I, differ from each other.

Accordingly, at least for the reasons stated above, it is respectfully submitted that independent Claims 1, 9, 19, 29, 37, and 47 are patentably distinct from *Padovani* and *Laroia*. Therefore, it is respectfully requested that the rejection of independent Claims 1, 9, 19, 29, 37, and 47 be withdrawn.

Independent Claims 1, 9, 19, 29, 37, and 47 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-8, 10-15, 20-23, 30-36, 38-43, and 48-51, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-8, 10-15, 20-23, 30-36, 38-43, and 48-51 is respectfully requested.

In view of the preceding amendments and remarks, it is respectfully submitted that all pending claims, namely Claims 1-15, 19-23, 29-43, and 47-51, are in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicants' attorney at the number given below.

Respectfully submitted,



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